



Sullivan & Worcester LLP
1633 Broadway
New York, NY 10019

T 212 660 3000
F 212 660 3001
www.sandw.com

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VIA EMAIL

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: Eastman Chemical v. Nestlé Waters Mgmt. & Tech., 11-cv-2589 (KPF) (HBP)

Dear Judge Failla:

We represent Nestlé Waters Management & Technology in this matter and respectfully request that the status conference scheduled for 3:30 p.m. on Tuesday, November 12, 2013 be adjourned to a date following the completion of expert discovery and the filing of any pre-motion submissions.

In response to the parties' August 19, 2013 letter requesting a conference "after the close of expert discovery," Your Honor entered an August 20, 2013 Order directing the parties to appear for the November 12, 2013 conference.

The parties completed the exchange of expert reports last week and are now endeavoring to schedule and conduct four expert depositions over the next several weeks.

For these reasons, we respectfully request that the November 12, 2013 conference be adjourned to a date following (i) the completion of expert depositions and discovery and (ii) the filing of any pre-motion submissions after the close of expert discovery in accordance with the Court's Individual Rules. No prior requests for this relief have been made. Plaintiff's counsel does not consent to this request because he believes that this case is ready to proceed at this time.

Respectfully yours,

Harry H. Rimm

cc: Marshall Biel, Esq. (Via Email)

Request DENIED. The conference scheduled for November 12, 2013 will proceed as scheduled.

Dated: November 12, 2013
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE